REMARKS

This application has been carefully reviewed in light of the Office Action mailed on June 5, 2009. At the time of the Office Action, claims 1-107 were pending in this patent application, and claims 27-107 were withdrawn from consideration. As a result, claims 1-26 are at issue. Claim 1 has been amended for the purpose of clarity. Support for the amendment can be found in Fig. 3 and paragraphs [0069] and [0085] of the specification. No new matter has been added.

The Examiner rejected claims 1-26, of which claim 1 is the only independent claim, under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 6,038,540 ("Krist") in view of U.S. Patent No. 6,434,435 ("Tubel"). Applicants respectfully traverse this rejection, and the assertions and determinations therein, for at least the following reasons and request reconsideration and favorable action in this case.

Amended claim 1 recites a system for modeling various aspects of the operation of a process plant. The claimed system includes, in part, an information server with "a scheduler adapted to establish different schedules for delivery of information" from multiple data sources to the information server "based on different user profiles or different user configurations stored concurrently on the information server and associated with different users." For example, as illustrated in Fig. 3 and explained in paragraphs [0069] and [0085] of the specification, the information server 114 includes a database 138 that stores different configuration and/or profile information associated with different users. For a given user, the information server 114 may retrieve the user's profile and/or configuration information from the database 138 and configure the scheduler, based on the user's configuration and/or profile information, to send periodic requests to various data sources for updates on the cost of raw materials used in the process plant, updates on the availability of resources within the process plant, updates on the state of process control devices within the process plant, and so on.

One significant advantage of the claimed scheduler is that, because it establishes different schedules based on different user profiles and/or configurations, the claimed scheduler enables different users to adjust the sensitivity of a model representing the operation of a process plant to the changes in different variables affecting the operation of the

process plant. That is, for a given user, the scheduler may establish a schedule that updates one set of variables on a more frequent basis and another set of variables on a less frequent basis. For example, for a user interested in a model that is sensitive to the changes in the costs of raw materials used in the process plant, the scheduler may establish a schedule that updates the information regarding the costs of raw materials on a frequent basis, while updating other variables used in the model less frequently. On the other hand, for a user who is more interested in a model that is more sensitive to the changes in the states of specific devices, the scheduler may establish a different schedule that seldom updates the costs of raw materials and updates the states of the specific devices on a more frequent basis. As a result, different users may customize the claimed system to gain insight into different aspects of the operation of the process plant.

In the Office Action, the Examiner acknowledged that Krist does not disclose any schedulers that coordinate the delivery of information, as required by claim 1. Applicants respectfully submit that Tubel does not cure the deficiencies of Krist, because nothing in Tubel teaches or suggests a "a scheduler adapted to establish different schedules for delivery of information" from multiple data sources to the information server "based on different user profiles or different user configurations stored concurrently on the information server and associated with different users," as recited in claim 1. Instead, Tubel describes object oriented software consisting of multiple intelligent software objects (ISOs) in which one ISO may schedule requests to retrieve data from another ISO. *See Tubel*, FIG. 1, FIG. 2, FIG. 12, and col. 17, lines 35-50. The ISOs in Tubel may not be equated with the claimed scheduler, because nothing in Tubel teaches or suggests that an ISO can establish different schedules of data retrieval from another ISO based on different user configurations and/or profiles, let alone that an ISO can establish different schedules for delivery of information from two different data sources to an information server based on different user configurations and/or profiles.

Moreover, even if Tubel, or another reference, disclosed the claimed scheduler, one of ordinary skill in the art would not modify Krist to include such a scheduler. Krist describes a system in which data (Monetary Values 77) is "input automatically into optimizing system 73 from an electronic system," or where a "human operator 78 could periodically communicate"

that data. *See Krist*, col. 30, lines 3-20. Accordingly, not only does Krist not teach or suggest a using any sort of scheduler, but Krist, in fact, explicitly teaches away from using a scheduling mechanism any kind for coordinating the delivery of information.
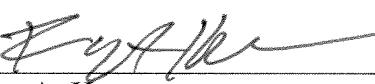
For at least these reasons, claim 1 is allowable. Claims 2-26 depend from claim 1 and are therefore allowable for the reasons discussed in reference to claim 1.

Conclusion

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, Applicants respectfully request reconsideration and allowance of claims 1-26. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Dated: December 7, 2009   Respectfully submitted,

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